

## **II. RESPONSE TO OFFICE ACTION**

### **A. Status of the Claims**

Claims 54-62, 97-104, and 106-109 were pending at the time of the Action. Claims 54-58, 97-101, 104, and 106-109 are allowed. Claims 59-61 stand rejected, and claims 62, 102, and 103 are objected to. Claims 59 and 60 have been amended. Claim 59 was amended to correct a typographical error. Support for the amendment to claim 61 can be found in the specification at, for example, page 8, lines 19-28. No new subject matter was added by these amendments. Claims 61, 102, and 103 have been canceled. Thus, claims 54-60, 62, 97-101, 104, and 106-109 are pending.

### **B. The Claim Objections Are Overcome**

The Action objects to claims 102 and 103 under 37 C.F.R. 1.75 as being substantial duplicates of allowed claims 55 and 97, respectively. Applicants have canceled claims 102 and 103 to resolve this issue.

The Action objects to claims 60-62 as being improperly dependent on a subsequent claim. Applicants note that in situations where a claim refers to a numerically following claim and the dependency is clear, no objection to form should be made. In such cases, the Examiner will renumber the claims into proper order at the time the application is allowed. *See* M.P.E.P. §§ 608.01(n)(I)(F) and 608.01(n)(IV). Applicants, therefore, request that this objection be withdrawn.

### **C. Rejection of the Claims Under 35 U.S.C. §112, Second Paragraph, Are Overcome**

The Action rejects claims 59-61 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 59 is rejected as vague and indefinite because it depends from itself. Applicants have corrected the typographical error in claim 59 by amending it to depend from claim 54.

Claims 60 and 61 are rejected as vague and indefinite, on the grounds that base claim 54 and dependent claims 60 and 61 are drawn to distinct processes, and it is unclear how the recitation “defined as” should be interpreted to delineate the dependent claims’ metes and bounds. Applicants have amended claim 60 to clarify that it is drawn to the method of screening for a biological response recited in base claim 54. Claim 61 has been canceled.

In light of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph.

**D. Rejection of the Claims Under 35 U.S.C. § 112, First Paragraph, Are Overcome**

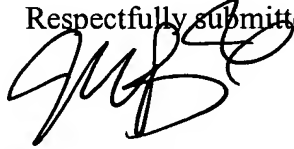
Claim 61 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 61 has been canceled to advance the prosecution of this case. Applicants maintain that the subject matter of claim 61 is enabled by the specification, and will pursue claims to this subject matter in U.S. Application Number 10/077,621.

**E. Conclusion**

In view of the above, all of the objections and rejections to the claims have been overcome, and the case is in condition for allowance.

The Examiner is invited to contact the undersigned attorney at (512) 536-3035 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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